

Message Text

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71

ORIGIN EB-11

INFO OCT-01 ARA-16 EUR-25 EA-11 NEA-10 ISO-00 L-03 CAB-09

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CAB - MR. CHESN (SUBS)

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FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY BERN

AMEMBASSY BRUSSELS

AMEMBASSY BUENOS AIRES

AMEMBASSY CANBERRA

AMEMBASSY CARACAS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY HELSINKI

AMCONSUL HONG KONG

AMEMBASSY LISBON

AMEMBASSY LUXEMBOURG

AMEMBASSY MADRID

AMCONSUL MELBOURNE

AMEMBASSY MEXICO

AMEMBASSY NEW DELHI

AMEMBASSY NICOSIA

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY REYKJAVIK

AMEMBASSY ROME

AMEMBASSY TOKYO

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AMEMBASSY VIENNA

AMEMBASSY WELLINGTON

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E.O. 11652: N/A

TAGS: ETRN, XX

SUBJECT: CIVAIR - CAB RULES ON CHARTER FLIGHTS

1. THE CHAIRMAN OF THE CIVIL AERONAUTICS BOARD MARCH 19 ANNOUNCED THE FOLLOWING ACTIONS: (A) THE BOARD'S ISSUANCE OF AN ORDER TO SHOW CAUSE WHY IT SHOULD NOT ADOPT CERTAIN CHANGES IN PART 212 OF ITS ECONOMIC REGULATIONS (PARA 2 BELOW); (B) THE ISSUANCE BY THE BOARD OF A NOTICE OF PROPOSED RULE MAKING WITH FURTHER AMENDMENTS TO THE TRAVEL GROUP CHARTER RULES (PARA 3 BELOW); AND (C) THE BOARD'S ADOPTION OF AN AMENDMENT TO PART 372(A) OF ITS SPECIAL REGULATIONS SO AS TO AUTHORIZE ALL US CERTIFICATED AIR CARRIERS AND FOREIGN AIR CARRIERS TO OPERATE FOREIGN ORIGINATED ADVANCED BOOKING CHARTERS (PARA 4 BELOW).

2. (A) UNDER THE ORDER TO SHOW CAUSE, ROUTE CARRIERS HOLDING FOREIGN AIR CARRIER PERMITS WOULD BE ABLE TO OPERATE CHARTER FLIGHTS (INCLUDING INCLUSIVE TOUR CHARTERS) BETWEEN ALL POINTS IN THEIR HOMELAND AND US POINTS WITHOUT THE NEED FOR SPECIFIC "STATEMENTS OF AUTHORIZATION" FOR EACH FLIGHT AS REQUIRED OF "OFF-ROUTE" FLIGHTS AT PRESENT.

(B) AT THE SAME TIME, IN ORDER TO ENCOURAGE THE FOREIGN ROUTE CARRIERS TO DEVELOP THEIR HOMELAND ORIGINATING MARKETS, A DIRECTIONAL BALANCE REQUIREMENT IDENTICAL TO THAT THE BOARD HAS FOR MANY YEARS APPLIED FOR FOREIGN CHARTER-ONLY CARRIERS WOULD BE APPLIED. ALSO, TO FURTHER ENCOURAGE CONCENTRATION ON THE BASIC U-S.-HOMELAND MARKETS, FLIGHTS BETWEEN THE UNITED STATES AND THIRD COUNTRIS WOULD BE SUBSTANTIALLY RESTRICTED. BOTH THE UPLIFT REQUIREMENT AND THE THIRD COUNTRY LIMITATIONS MAY, HOWEVER, BE SUBJECT TO MODIFICATION BY WAIVER FOR LIMITED REASONS, BUT PARTICULARLY TO CONFORM TO ANY APPLICABLE INTERGOVERNMENTAL AGREEMENT, OR WHERE THE FOREIGN CARRIER HAS DEMONSTRATED THAT ITS GOVERNMENT UNCLASSIFIED

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AUTHORIZED U.S. CARRIERS TO PERFORM CHARTERS OF THE SAME NATURE. THE BOARD, WOULD, HOWEVER, RETAIN THE POWER TO REQUIRE ANY CARRIER TO SEEK STATEMENTS OF AUTHORIZATION FOR ANY OR ALL OF ITS CHARTER FLIGHTS IF IT FINDS THIS IN THE PUBLIC INTEREST AND SO ORDERS. AS AT PRESENT, ANY FAILURE TO APPROVE SUCH APPLICATIONS WHEN FOR FLIGHTS TO BE OPERATED BETWEEN POINTS IN THE UNITED STATES AND ITS HOMELAND NAMED ON A ROUTE AUTHORIZED TO THE

FOREIGN CARRIER IN ITS FOREIGN AIR CARRIER PERMIT,
WILL BE SUBMITTED TO THE PRESIDENT FOR REVIEW.

(C) EXISTING PERMITS WOULD NOT BE AMENDED BY THIS ACTION.
THE BOARD HAS TENTATIVELY CONCLUDED THAT NO ORAL EVIDENT-
IARY HEARING WILL BE REQUIRED. HOWEVER, ALL INTERESTED
PERSONS WILL BE GIVEN 45 DAYS FOR THE FILING OF COMMENTS
ON THE PROPOSED RULE, AND A PERIOD OF 20 DAYS WILL BE
PROVIDED FOR THE FILING OF COMMENTS IN RESPONSE TO THE
INITIAL COMMENTS. ALSO, THE BOARD RECOGNIZED THAT IT
MAY BE DESIRABLE TO DEFER APPLICABILITY OF THE REGULATI
NS
SO AS NOT TO DISRUPT ANY SPECIFIC CHARTER SEASON, AND WILL
ACCORDINGLY ALSO CONSIDER COMMENTS DIRECTED TO THE
APPROPRIATE TIMING OF THE APPLICABILITY OF THE PROPOSED
REGULATIONS.

3. IN A SEPARATE ACTION THE BOARD ISSUED A NOTICE OF
PROPOSED RULE MAKING PROPOSING FURTHER AMENDMENTS TO THE
TRAVEL GROUP CHARTER RULES TO MAKE THIS FORM OF CHWRTER
SERVICE MORE ATTRACTIVE THAN IT HAS BEEN SO FAR. THE
PROPOSED RULE WOULD (1) REDUCE THE DEADLINE FOR FILING OF
THE ORIGINAL PARTICIPANTS LIST FROM 90 TO 60 DAYS IN
ADVANCE OF THE FLIGHT DATE; (2) ALLOW A TGC TO BE FILED SO
LONG AS AT LEAST 90 PERCENT OF THE CONTRACTED SEATS HAVE
BEEN SOLD TO ORIGINAL PARTICIPANTS; (3) ELIMINATE
THE STANDBY LIST FOR ELPGIBLE ASSIGNEES OF TGC PARTICI-
PANTS AND, INSTEAD, PERMIT ORIGINAL PARTICIPANTS TO ASSIGN

THEIR TGC CONTRACTUAL RIGHTS AND OBLIGATIONS TO MEMBERS
OF THE GENERAL PUBLIC; AND (4) REDUCE THE MAXIMUM NUMBER
OF PERMISSIBLE ASSIGNMENTS FGOM 20 PERCENT TO 15 PERCENT
OF THE NUMBER OF LISTED ORIGINAL PARTICIPANTS.

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INTERESTED PERSONS WILL HAVE 45 DAYS TO COMMENT ON
THESE PROPOSALS.

4(A) THE BOARD'S ADOPTION OF AMENDMENTS TO PART 372(A)
OF ITS SPECIAL REGULATIONS WILL AUTHORIZE ALL US
CERTIFICATED AIR CARRIERS AND FOREIGN AIR CARRIERS TO
OPERATE FOREIGN-ORIGINATED TGC'S (I.E., ADVANCED BOOKING
CHARTERS) ORGANIZED IN COMPLIANCE WITH THE RULES OF
THE COUNTRY OF ORIGIN, SO LONG AS (1) THOSE FOREIGN
RULES CONTAIN CERTAIN SPECIFIED MINIMUM RESTRICTIONS,
SIMILAR BUT NOT IDENTICAL TO THOSE IN PART 372(A) AND
(2) THERE IS IN EFFECT, BETWEEN THE COUNTRY OF ORIGIN
AND THE UNITED STATES, A FORMAL AGREEMENT WITH RESPECT
TO THE CHARTERWORTHINESS OF SUCH OPERATIONS.

4(B) IT SHOULD BE NOTED THAT THE ABOVE RULE MAKING PROVIDES ONLY FOR THE GENERAL CASE, NOT FOR EXCEPTIONS TO THE GENERAL ABC PRINCIPLES. WAIVERS WILL CONTINUE TO BE REQUIRED TO OPERATE INTERMINGLED ABC'S PROVIDING FOR RETURN OF INDIVIDUALS IN DIFFERENT GROUPS (UK), SHORT TERM ABC'S (FRG), AND ABC'S WITH PASSENGER LISTS FILED AT 60 RATHER THAN 90 DAYS PRIOR TO FLIGHT (FRANCE, UK, FRG AND ANY SUBSEQUENT AMENDED OR ADDITIONAL AGREEMENTS WHICH MAY BE CONCLUDED).

5. CHAIRMAN TIMM ALSO STATED THAT A NOTICE OF PROPOSED RULE MAKING (NPRM) ON SPECIAL EVENT CHARTERS WOULD BE FORTHCOMING SHORTLY. KISSINGER

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